

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DERRICK JACOBS	:	CIVIL ACTION
	:	
Plaintiff,	:	No. 2:19-cv-04616
vs.	:	
	:	
CITY OF PHILADELPHIA, et al.	:	JURY TRIAL DEMANDED
	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, upon consideration of Plaintiff's Request for Entry of Default Judgment (ECF 140) and Defendants' Response thereto, it is hereby **ORDERED** and **DECREED** that Plaintiff's Request for Entry of Default Judgment is stricken.

**BY THE COURT:**

\_\_\_\_\_  
J.

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Defendants.	:	

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**RESPONSE OF DEFENDANTS, DENNIS WILSON, DF PACE AND JASON  
HENDERSHOT TO PLAINTIFF’S REQUEST FOR ENTRY OF DEFAULT  
JUDGMENT (ECF 140)**

Defendants, Dennis Wilson, DF Pace and Jason Hendershot file this Response in Opposition to Plaintiff’s Request for Entry of Default Judgment (ECF 140).

Plaintiff filed a Request for Entry of Default Judgment on September 29, 2023 based upon the failure of Nicole Morris, Esquire, to file a response to Plaintiff’s September 11, 2023 Motion to Compel and Request for Sanctions (ECF 134).

The Defendants in this case, however, filed Responses to Plaintiff’s Motion on September 25, 2023. (See ECF 136 for the Response of Co-Defendant, Tracy Tripp; and see ECF 137 for Response of responding Defendants, Dennis Wilson, DF Pace and Jason Hendershot).

Plaintiff seeks a Default Judgment against Ms. Morris based upon failure to respond to the September 11 Motion to Compel and Request for Sanctions. However, Ms. Morris does not represent any party in this case for which a default could be entered. Moreover, the parties to the case have filed Responses to the discovery Motion filed by Plaintiff, therefore, there is no basis to grant Plaintiff’s Motion as unopposed.


The Court has already addressed the third-party Subpoenas that Plaintiff directed towards the City of Philadelphia, former Police Commissioner Danielle Outlaw and District Attorney Larry Krasner. In short, there is simply no basis for the Court to enter Judgment against any of the named Defendants in this case based upon any action or inaction on the part of Ms. Morris, who does not represent any party to this lawsuit.

WHEREFORE, Defendants, Dennis Wilson, DF Pace and Jason Hendershot, respectfully request that Plaintiff's Request for Entry of Default Judgment be stricken.

Respectfully submitted,

**MARSHALL DENNEHEY, P.C.**

BY:

  
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Attorney for Defendants,  
Dennis Wilson, DF Pace and Jason Hendershot

Date: October 3, 2023

**CERTIFICATE OF SERVICE**

I, JOHN P. GONZALES, ESQUIRE, do hereby certify that a true and correct copy of the foregoing Response to Plaintiff's Request for Default Judgment was electronically filed with the Court on the date below and is available for viewing and downloading from the ECF System.

**MARSHALL DENNEHEY, P.C.**

BY:



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Attorney for Defendants,

Dennis Wilson, DF Pace and Jason Hendershot

Date: October 3, 2023